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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/147,094	10/27/1998	AKIHIKO YAMASHITA	P-7355-8002	1236

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ARENT FOX KINTNER PLOTKIN & KAHN PLLC  
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WASHINGTON, DC 20036-5339

EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/25/2003

35

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/147,094**

Applicant(s)  
**Yamashita et al.**

Examiner  
**Wesner Sajous**

Art Unit  
**2676**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 1, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### **Remarks**

This action is responsive to the Request for a Continued Examination (RCE) and response filed on August 1, 2003. By this communication, claims 1-9, and 11-13 are presented for examination.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3, 6-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett, patent number (WO 95/28799) in view of Kang et al. (US 5543933)

Considering claim 1, Lett, at fig. 4, sets forth and illustrates a method for displaying a plurality of program guides on a display unit in a matrix form by using one the ordinate (62) and the abscissa (60) as a channel number axis and another one as a time axis as claimed by the present invention, but lacks explicit recitation for the claimed means for distinguishing a time period designated in advance by a user from other time periods displayed on a display unit.

Kang in a similar art teaches the equivalence for the claimed means for distinguishing a time period designated in advance by a user (*e.g., reserved-recording start time of a program*) from other time periods (*reserved-recording times of pre-reserved programs and/or remaining time of a VCR*) displayed on a display unit (*e.g., items 5 and/or 6 of fig. 5*). See fig. 13, and col. 4, line 50 to col. 5, line 45, and col. 17, lines 55-64.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider modifying the TV program-guide display of Lett to include the comparison of recording times as taught in Kang, so that a user can obviously confirm the start times of respective reserved programs. See Kang's col. 4, lines 66-68.

Re claim 2, it is noted that the claim recites limitations that are analogous to the invention of claim 1, as a result, the claim is rejected under the same rationale set forth for claim 1. It is noted that the previously purchased program called for in the claim is to interpreted to

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characterize the reserved-program in Kang, because they both are related to a television programming distributed by a TV broadcasting station at a precise time and selected by a user.

Regarding claim 3, it is noted that all claimed subject matters in the claim have been discussed above in the claims 1-2 rejections, except for the displaying of purchased and non-purchased programs in different colors among program guides.

However, it is noted that Lett uses a cursor to Highlight the PPV program (e.g., the Terminator”) and the time it is showing (e.g., 8:00), it is distinguishing the selected or purchased PPV program and time from the non-selected programs and times in different colors. is noted that in figure 6, the highlighted program and time is shown in white, and the non-highlighted programs and times are shown in grey. See page 26. Thus, Lett can be anticipatory for the displaying of different colors purchased and non-purchased program guides.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lett, wherein a means for displaying of different colors purchased and non-purchased program guides is provided; in order to provide a user-friendly system.

The invention of claim 6 recites limitations considered analogous to the limitations of claim 1, it is, therefore, rejected under the same rationale as claim 1, for the arbitrary time period called for in the claim is synonymous to the reserved-recording program start time in Kang.

Claim 7 recites features equivalent to and performing the same function as claim 3, it is, therefore, rejected for the same reason and rationale set forth for claim 3.

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In claims 8, and 9 the claimed “setting means allows the starting time and end time...” and the claimed “set for each day of the week by the user” would have been obvious over Lett’ disclosure, figures 13-14 since Lett provides the display of program guide schedule which is interacted with by a user by means of a remote control. Such guide could have included the start and ending time, and day of the week for a particular program.

Claim 11 is for the apparatus of claim 1 and is similarly rejected.

Claim 12 is for the apparatus of claim 6 and is similarly rejected.

Claim 13 includes the limitations of claims 6-8, and is rejected by the same basis and rationales set forth in above claims 6-8.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett, patent number (WO 95/28799), in view of Kang et al. (5543933) and further in view of DeFreese (6493876).

As per claims 4 and 5, Lett and Kang set forth or renders obvious most claimed subject matters of the invention as similarly applied in the above claims 1, 2 and 3 rejections above, but they fail to show the means for displaying a mark or a bar indicating a direction of the channel axis.

DeFreese shows the mark or a bar (327 or 329, of fig. 14) indicating a direction of the channel axis.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Lett and Kang with bar indicator of DeFreese, in order to have a user friendly system, and to allow the user to highlight and/or make time selection of a particular programming.

### **Conclusion**

5. The prior art made of record and considered pertinent to applicant's disclosure are as recited in the PTO 892 form.

**Any response to this action should be mailed to:**

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**or faxed to:**

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**Or:**

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Washington, DC 20231

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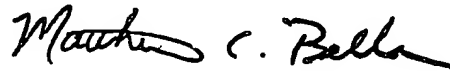
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308- 5857**. The examiner can also be reached on Mondays thru Thursday and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829 The fax phone number for this group is (703) 308-6606.

*Wesner Sajous - WES*



*September 17, 2003*



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